

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

JAMES BROWN,

Plaintiff,

vs.

Case No. 07-CV-0758-MJR

**ROGER E. WALKER, JR.,
JASON C. GARNETT, GREGORY
LAMBERT, ROY BRADFORD,
JULIE WILKERSON, KEN BLACK,
LEE RYKER, JOYCE HOSKINSON,
ROBERT F. KUNTZ,
NEIL C. BANTICAN, and
MELODY L. FORD,**

Defendants.

MEMORANDUM and ORDER

REAGAN, District Judge:

On February 9, 2009, Defendants filed a motion for summary judgment arguing that Brown failed to exhaust his administrative remedies before bringing suit, as required by the Prison Litigation Reform Act, 42 U.S.C. § 1997e(a) (Doc. 28). Recognizing that resolution of the motion required more information as to the availability of the prison's remedy process and the plaintiff's use of the grievance process, Magistrate Judge Frazier set a hearing on the motion (Doc. 38). The hearing took place on June 11, 2009 (Doc. 41).

Soon thereafter, Brown filed a "Memorandum Notice and Request for Rehearing" (Doc. 43). The undersigned District Judge denied Brown's motion for a rehearing, explaining that the motion was premature given that no Report and Recommendation had been submitted by Magistrate Judge Frazier (Doc. 44). Instead, the Court informed Brown that he should wait for the Report and then submit any objections he may have. Ultimately, Magistrate Judge Frazier's Report

and Recommendation was filed on July 7, 2009 (Doc. 46) and Brown submitted a timely objection (Doc. 48).

Brown now seeks to amend his motion for rehearing by substituting various pages to correct spelling and grammatical errors (Doc. 49). This motion must be **DENIED**, as the Court has already disposed of the very motion Brown seeks to amend. The Court notes that even if it would have been able to consider the proposed amendments, the Court's ruling on the motion for rehearing would not have been affected.

Additionally, Brown asks to withdraw his previous objection to the Report and substitute a new set of objections so as to correct various spelling and grammatical errors (Doc. 50). The Court **GRANTS** Brown's motion to substitute. The Clerk is **DIRECTED** to electronically file the proposed corrected version (attached to Doc. 50) as Plaintiff's Amended Objections to the Report and Recommendation at Doc. 46. The original objections (Doc. 48) are **WITHDRAWN**.

IT IS SO ORDERED.

DATED this 7th day of August 2009.

s/ Michael J. Reagan
MICHAEL J. REAGAN
United States District Judge